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Atty. Dkt. No. 034536-0904

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Peng Cho TANG et al.

Title: BICYCLIC PROTEIN KINASE
INHIBITORS

Appl. No.: 10/725,079

Filing Date: December 2, 2003

Examiner: Tamthom Ngo Truong

Art Unit: 1624

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the office action mailed May 19, 2004, Applicants hereby provisionally elect Group I, claims 1 – 9 and 18, for examination, with traverse. Applicants traverse on the ground that there is no undue burden for the examiner to examine groups I and II together (claims 10 – 17 drawn to a method for the modulation of the catalytic activity of a protein kinase (PK) with compounds of claim 1).

It is respectfully submitted that pursuant to the Official Gazette notice of March 26, 1996, which establishes guidelines for treatment of product and process claims in light of *In re Ochiai*, claims drawn to methods (claims 10 – 17) should be included herein for consideration on the merits. At the minimum, method of use claims of the same scope as the product claims should be rejoined when the product claims are found to be allowable.

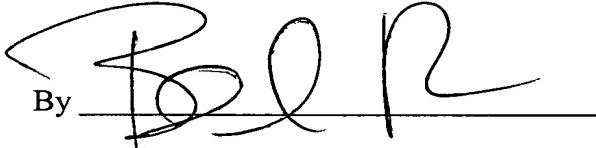
Applicants, of course, reserve the right to file one or more divisional applications covering the subject matter of the non-elected claims.

Applicants wish to point out that claims 19 – 37 are directed to methods of treatment of a PK disorder and not to a “pharmaceutical kit useful for the treatment of HIV infection” as the examiner enunciated on page 2 of the office action.

Applicants respectfully request examination on the merits of this application. If the examiner believes, for any reason, that personal communication will expedite prosecution of this application, the examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

Date 2 June 2004

By 

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